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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,408	12/17/2001	Michael Wayne Brown	AUS920010838US1	3576

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/19/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,408

Applicant(s)

BROWN ET AL.

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 37-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-19 and 21-36 is/are rejected.
- 7) ☒ Claim(s) 7, 11 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 6, 8-10, 13-14, 17-19, 22-23 and 26-33 are rejected under 35

U.S.C. 102(b) as being anticipated by Morikawa et al (5,943,405).

Consider claim 1, Morikawa et al teach a method for billing for telephone services, said method comprising: receiving, at at least one service provider within a trusted telephone network, a request for service from an origin device associated with a line number to be billed according to a line subscriber billing plan; authenticating an identity of a caller requesting said service from said origin device (col. 3 lines 57-64; col. 1 lines 61-64); and replacing said line subscriber billing plan with a caller billing plan associated with said caller, wherein said caller billing plan is accessible according to said authenticated identity (col. 4 lines 18-50; col. 6 lines 37-47). It should be noted that “credit call service” reads on the “billing plan”.

Consider claim 3, Morikawa et al teach the method for billing for telephone services wherein authenticating an identity of a caller further comprises: initiating authentication of said identity of said caller at said origin device (col. 1 lines 61-64; col. 11 lines 32-35).

Consider claim 4, Morikawa et al teach the method for billing for telephone services wherein authenticating an identity of a caller further comprises: initiating authentication of said

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identity of said caller at an intermediary device receiving said request for service (col. 11 lines 22-35).

Consider claim 6, Morikawa et al teach the method for billing for telephone services further comprising: receiving said request for service from said origin device at an intermediary device; initiating a register for said request for service; accessing a line subscriber profile associated with a line number providing access for said origin device; loading said line subscriber profile into said register; and in response to accessing a caller profile according to said identity of said caller, replacing at least a portion of said line subscriber profile with said billing plan specified for said caller in said caller profile (col. 3 line 52 – col. 4 line 45).

Consider claim 8, Morikawa et al teach the method for billing for telephone service further comprising: controlling at least one particular service provided for said call request according to said at least one particular service selected in a caller profile accessible according to said authenticated identity of said caller (col. 6 line 48 – col. 7 line 37).

Consider claim 9, Morikawa et al teach a system for providing telephone services, said system comprising: a trusted telephone network comprising at least one service provider; means for receiving, at said at least one service provider, a request for service from an origin device associated with a line number to be billed according to a line subscriber billing plan; means for authenticating an identity of a caller requesting said service from said origin device (col. 3 lines 57-64; col. 1 lines 61-64); and means for replacing said line subscriber billing plan with a caller billing plan associated with said caller, wherein said caller billing plan is accessible according to said authenticated identity (col. 4 lines 18-50; col. 6 lines 37-47). It should be noted that “credit call service” reads on the “billing plan”.

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Consider claim 10, Morikawa et al teach the system for providing telephone services further comprising: means for assigning a register at said at least one service provider to said request for service; means for accessing said line subscriber billing plan according to said line number; means for loading said line subscriber billing plan into said register; and means for replacing said line subscriber billing plan in said register with said caller billing plan in said register (col. 3 line 52 – col. 4 line 45).

Consider claim 13, Morikawa et al teach the system for billing for telephone services wherein said means for authenticating an identity of a caller further comprises: means for initiating authentication of said identity of said caller at said origin device (col. 1 lines 61-64; col. 11 lines 32-35).

Consider claim 14, Morikawa et al teach the system for billing for telephone services wherein said means for authenticating an identity of a caller further comprises: means for initiating authentication of said identity of said caller at an intermediary device receiving said request for service (col. 11 lines 22-35).

Consider claim 17, Morikawa et al teach the system for providing telephone services further comprising: means for supplementing at least one service provided for said call request according to said line number with at least one service associated with a profile accessing according to said authenticated identity for said caller (col. 6 line 48 – col. 7 line 37).

Consider claim 18, Morikawa et al teach a computer program product for providing telephone services, said computer program product comprising: a recording medium; means, recorded on said recording medium, for enabling receipt, at at least one service provider, of a request for service from an origin device associated with a line number to be billed according to

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a line subscriber billing plan; means, recorded on said recording medium, for authenticating an identity of a caller requesting said service from said origin device (col. 3 lines 57-64; col. 1 lines 61-64); and means, recorded on said recording medium, for controlling replacement of said line subscriber billing plan with a caller billing plan associated with said caller identity (col. 4 lines 18-50; col. 6 lines 37-47).

Consider claim 19, Morikawa et al teach the computer program product for providing telephone services further comprising: means, recorded on said recording medium, for assigning a register at said at least one service provider to said request for service; means, recorded on said recording medium, for accessing said line subscriber billing plan according to said line number; means, recorded on said recording medium, for loading said line subscriber billing plan into said register; and means, recorded on said recording medium, for controlling replacement of said line subscriber billing plan in said register with said caller billing plan in said register (col. 3 line 52 – col. 4 line 45).

Consider claim 22, Morikawa et al teach the computer program product for billing for telephone services further comprising: means, recorded on said recording medium, for initiating authentication of said identity of said caller at said origin device (col. 1 lines 61-64; col. 11 lines 32-35).

Consider claim 23, Morikawa et al teach the computer program product for billing for telephone services further comprising: means, recorded on said recording medium, for initiating authentication of said identity of said caller at an intermediary device receiving said request for service (col. 11 lines 22-35).

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Consider claim 26, Morikawa et al teach the computer program product for providing telephone services further comprising: means, recorded on said recording medium, for supplementing at least one service provided for said call request according to said line number with at least one service associated with a profile accessing according to said authenticated identity for said caller (col. 6 line 48 – col. 7 line 37).

Consider claim 27, Morikawa et al teach a method for billing a caller for telephone services, comprising: receiving a request for service from a caller utilizing a particular line number from among a plurality of line numbers; authenticating an identity of said caller (col. 3 lines 57-64; col. 1 lines 61-64; col. 5 lines 13-17); and accessing a billing plan for said caller according to said authenticated identity, wherein said billing plan follows said caller across a plurality of line numbers (col. 4 lines 18-50; col. 6 lines 37-47).

Consider claim 28, Morikawa et al teach the method for billing a caller for telephone services wherein said particular line number is subscribed to by said caller (col. 4 lines 1-5; lines 45-50).

Consider claim 29, Morikawa et al teach the method for billing a caller for telephone services wherein said particular line number is subscribed to by an individual other than said caller (col. 4 lines 1-5; lines 45-50).

Consider claim 30, Morikawa et al teach a system for billing a caller for telephone services, said system comprising: a trusted telephone network for enabling a call; means for receiving a request for service at said trusted telephone network from a caller utilizing a particular line number from among a plurality of line numbers; means for authenticating an identity of said caller (col. 3 lines 57-64; col. 1 lines 61-64; col. 5 lines 13-17); and means for

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accessing a billing plan for said caller according to said authenticated identity, wherein said billing plan follows said caller across a plurality of line numbers (col. 4 lines 18-50; col. 6 lines 37-47).

Consider claim 31, Morikawa et al teach the system for billing a caller for telephone services wherein said particular line number is subscribed to by said caller (col. 4 lines 1-5; lines 45-50).

Consider claim 32, Morikawa et al teach the system for billing a caller for telephone services wherein said particular line number is subscribed to by an individual other than said caller (col. 4 lines 1-5; lines 45-50).

Consider claim 33, Morikawa et al teach a computer program product for billing a caller for telephone services, said computer program product comprising: a recording medium; means, recorded on said recording medium, for enabling receipt of a request for service at said trusted telephone network from a caller utilizing a particular line number from among a plurality of line numbers; means, recorded on said recording medium, for authenticating an identity of said caller (col. 3 lines 57-64; col. 1 lines 61-64; col. 5 lines 13-17); and means, recorded on said recording medium, for accessing a billing plan for said caller according to said authenticated identity, wherein said billing plan follows said caller across a plurality of line numbers (col. 4 lines 18-50; col. 6 lines 37-47).

3. Claims 34-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Jain et al (6,282,274).

Consider claim 34, Jain et al teach a method for controlling billing for a call, comprising: receiving an authenticated caller identity and billing plan associated with said authenticated

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caller identity for a call, wherein said billing plan comprises a plurality of account providers for said authenticated caller identity; monitoring said call for chargeable services utilized during said call; and negotiating payment for said chargeable services from said at least one account provider according to said authenticated caller identity (col. 4 line 7 – col. 5 line 5; col. 6 line 45 – col. 13). It should be noted that the “authenticate” process is performed automatically using the predetermined or preset access line number to determine the caller.

Consider claim 35, Jain et al teach the method for controlling billing for a call further comprising: filtering said billing plan according to a context for said call, wherein a selection of said plurality of account providers are determined relevant for said call according to said context (col. 7 lines 14-27).

Consider claim 36, Jain et al teach the method for controlling billing for a call further comprising: prompting a caller of said authenticated caller identity to select from among said plurality of account providers for said call (col. 6 lines 47-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al (5,943,405) in view of McAllister et al (5,978,450).

Consider claims 2, 12 and 21, Morikawa et al did not suggest wherein authenticating an identity of a caller further comprises: authenticating said identity of said caller according to a

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voice utterance provided by said caller. However, McAllister et al teach a method and system for providing personalized services that identify the identity of the subscriber via voice verification (abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of McAllister et al into view of Morikawa et al in order to provide various alternative to authenticate the subscriber.

6. Claims 5, 15-16 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al (5,943,405) in view of Nightingale et al (6,546,238).

Consider claims 5, 15 and 24, Morikawa et al did not suggest wherein authenticating an identity of a caller further comprises: initiating authentication of said identity of said caller at a destination device, wherein said destination device is enabled for call receipt. However, Nightingale et al suggested such (col. 14 lines 24-59). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Nightingale et al into view of Morikawa et al in order to provide various alternative to authenticate the subscriber.

Consider claims 16 and 25, Morikawa et al did not suggest the system further comprising: means for authenticating said identity of said caller at a telephone service server outside said trusted telephone network. However, Nightingale et al suggested such (col. 14 lines 40-44). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Nightingale et al into view of Morikawa et al in order to provide various alternative to authenticate the subscriber.

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Allowable Subject Matter

7. Claims 7, 11 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Quoc D. Tran

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August 13, 2004